

**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF OKLAHOMA**

In re:)	
)	
MATTHEW RYAN POWDER,)	Case No. 17-12561
)	Chapter 7
)	
Debtor.)	
_____)	
)	
MATTHEW RYAN POWDER,)	
)	
Plaintiff,)	
)	
v.)	
)	
NAVIENT and NAVIENT DEPARTMENT OF)	
EDUCATION LOAN SERVICING,)	
)	
Defendants.)	

COMPLAINT TO DETERMINE DISCHARGEABILITY OF STUDENT LOANS

COMES NOW, the Plaintiff, Matthew Ryan Powder (“Plaintiff”), and for his cause of action against the Defendant alleges:

JURISDICTION AND VENUE

1. This matter involves a determination of the dischargeability of student loans.
2. This Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §1334(b), 157(a), (b)(1), and (b)(2)(A), (B), (I), and (J), pursuant to 11 U.S.C. §105(a), 502(b) and (c), 523(a)(8). This is a core proceeding. 28 U.S.C. §157(b)(2).
3. Venue is proper pursuant to 28 U.S.C. §1409(a) because the matter arises in and is related to a bankruptcy case in this district.

PARTIES

4. Plaintiff is the Debtor in the above-captioned case under Chapter 7 of the Bankruptcy Code filed in this Court on June 28, 2017.
5. The Defendant, Navient is a business entity that engages in the servicing and collecting of student loans and is a Creditor of Plaintiff pursuant to 3 student loans in the total sum of \$12,291.14 plus interest pursuant to account number 9309008847-1.

6. The Defendant, Navient Department of Education Loan Servicing is a business entity that engages in the servicing and collecting of student loans and is a Creditor of Plaintiff pursuant to 4 student loans in the total sum of \$6,593.62 plus interest pursuant to account number 9309008847-1.

7. Section 523(a)(8)(B) provides the educational loans that are a qualified education loan as defined in Section 221(d)1 of the Internal Revenue Code 1986, incurred by a Debtor who is an individual are not dischargeable unless excepting such debt from discharge would impose an undue hardship on Plaintiff.

8. The debts owed to Defendants are nevertheless dischargeable in bankruptcy on the ground that excepting such debt from discharge would impose an undue hardship on the Debtor.

WHEREFORE, Plaintiff prays this Court enter a Judgment discharging the student loans owed to Navient and Navient Department of Education Loan Servicing on the ground that excepting such debt from discharge would impose an undue hardship on the Debtor, and for such other and further relief as to which the Court sees Plaintiff entitled.

Respectfully submitted,

/s/Bruce F. Klein

Bruce F. Klein, OBA #11389

Bruce F. Klein, PLLC

222 N.W. 13th Street

Oklahoma City, Oklahoma 73103

(405) 606-4448

FAX: (405) 523-2108

Attorney for Matthew Ryan Pouder